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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

MARK R.M. HOLMSTRAND,

Plaintiff,

vs.

NEW YORK LIFE INSURANCE
COMPANY, a foreign corporation, PAUL
REVERE LIFE INSURANCE COMPANY,
a Massachusetts Corporation,
UNUMPROVIDENT CORPORATION, a
Delaware Corporation (d/b/a, inter alia, Paul
Revere Life Insurance Company, Unum
Life Insurance Company, a Maine
Corporation, Provident Life and Accident
Insurance Company, a Tennessee
Corporation, and GENEX, a Pennsylvania
Corporation) and ROBERT
LEIMGRUBER, an Ohio Resident.

Case No. A05-0066 CV (TMB)

**DECLARATION OF COUNSEL IN
SUPPORT OF NON-OPPOSED
MOTION TO EXTEND TIME TO
FILE FINAL WITNESS LISTS AND
PROVIDE EXPERT REPORTS**

I, Jeffrey K. Rubin, declare as follows:

1. I am a partner in the Law Offices of Friedman, Rubin & White, and am one of the attorneys for plaintiff Mark R.M. Holmstrand. I drafted plaintiff's Non-Opposed Motion to
Holmstrand v. New York Life, et al.
Declaration of Counsel Re: Non-Opposed Motion
to Extend Time To File Final Witness Lists
and Exchange Expert Reports

1 Extend Time to File Final Witness Lists and Provide Expert Reports. The factual statements
2 contained within ¶¶ 1 and 2 of the motion are based on either my personal knowledge or
3 representations made to me by counsel for Mr. Leimgruber.

4 2. Mr. Leimgruber is the sole remaining defendant in this matter. Should he not
5 attend his deposition I anticipate that matters of proof will be greatly simplified as suggested in
6 the ¶ 3 of the motion.

7 3. As indicated in ¶ 4 of the motion there is additional discovery that plaintiff
8 anticipates conducting should the matter not settle and continued litigation is necessary. In
9 addition to the subpoena enforcement action there are outstanding interrogatories directed to
10 Mr. Leimgrubers answers to which may affect expert opinions.

11 4. I have spoken to Mr. Hendricks Leuning, counsel for Mr. Leimgruber on
12 January 27th, 2006, provided him a draft copy of the motion as filed and he told me that he did
13 not oppose the extension sought.

14 I declare under penalty of perjury that the above and foregoing is true and correct.

15 DATED this 27th day of January, 2006.

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17 /s/ Jeffrey K. Rubin
18 Jeffrey K. Rubin
19 AK Bar No. 8206061
20 Friedman, Rubin & White

21 Attorney for Plaintiff
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